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Special Political and Decolonization Committee
Fourth Committee

Summary record of the 2nd meeting
Held at Headquarters, New York, on Monday, 6 October 2008, at 3 p.m.

Chairman: Mr. Argüello ..... (Argentina)

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The meeting was called to order at 3.05 p.m.

Agenda item 33: Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/63/23, chaps. VII and XII, and A/63/65)

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1. **The Chairman** said that the cause of decolonization had been one of the defining issues of the latter part of the twentieth century. Owing to the untiring efforts of the United Nations, particularly of the Special Committee on decolonization, most of the world's population was no longer under colonial rule. Nevertheless, 16 Non-Self-Governing Territories remained on the United Nations list. It was therefore necessary to continue cooperative efforts among all parties involved to bring an end to colonialism.

2. **Mr. Ja'afari** (Syrian Arab Republic), speaking in his capacity as Rapporteur of the Special Committee on decolonization, introduced that Committee's report (A/62/23). The Special Committee had continued to analyse developments in the 16 remaining Non-Self-Governing Territories, and had benefited during the Pacific regional seminar and during its regular session, in June, from the participation of representatives from the Territories, three of the four administering Powers, and non-governmental organizations and experts.

3. In its report, the Special Committee addressed the role of the administering Powers in making progress towards decolonization and noted the exemplary cooperation of New Zealand with regard to the work of the Special Committee concerning Tokelau, including the mission to Tokelau in October 2007 to observe the referendum on self-determination there. In that connection, he referred to the report of that mission contained in document A/AC.109/2007/19. At the Pacific regional seminar, discussions had focused on a strategy aimed at strengthening cooperation with administering Powers and improving the participation of the people of Non-Self-Governing Territories.

4. **Mr. Natalegawa** (Indonesia), speaking in his capacity as Chairman of the Special Committee on decolonization, said that the international community must redouble its efforts to seek constructive ways to complete the decolonization process. Implementation of the decolonization mandate required a collaborative effort by the international community, the administering Powers and the Non-Self-Governing Territories themselves. There was also a growing awareness of the fact that different Territories had different needs and expectations, and that these should be addressed on a case-by-case basis. In light of the fact that only two years remained in the Second International Decade for the Eradication of Colonialism, it was urgent to assist the Territories to demonstrate their will on the issue of their respective status. Moreover, Ecuador's application for membership in the Special Committee was viewed as a positive gesture of interest in and support for the Committee's work; that matter was now before the Fourth Committee for consideration and action.

5. Draft resolution VI, contained in chapter XII of the Special Committee's report, was intended to facilitate a comparative understanding of each Territory's position on the path to decolonization and to encourage an action-oriented approach on each of the Non-Self-Governing Territories dealt with in the resolution. Moreover, the information contained in the leaflet entitled "What the United Nations can do to assist Non-Self-Governing Territories", produced by the Department of Public Information and the Department of Political Affairs, should be effectively conveyed to the peoples of the Non-Self-Governing Territories.

6. In view of the need for improved cooperation with administering Powers, and in recognition of the aspirations and interests of the Non-Self-Governing Territories, a special effort would be made in connection with the preparation of the 2009 Caribbean

regional seminar on decolonization to encourage optimum participation of the Non-Self-Governing Territories.

7. Speaking as the representative of Indonesia, a nation that had itself emerged from colonialism through a hard-fought struggle for independence, he said that Indonesia would always remain committed to the decolonization process. The quest for decolonization must be put in a contemporary context, aimed at delivering results-oriented positions based on the universality of the principles of the Charter of the United Nations. The only way to achieve that goal was through meaningful dialogue among all concerned.

8. **Mr. Macedo** (Mexico), speaking on behalf of the Rio Group, reaffirmed the Group's support for the decolonization process and stressed the importance of ensuring that all peoples were able to exercise their inalienable right to self-determination. The Rio Group was committed to the goals of the Second International Decade for the Eradication of Colonialism, and again called on the administering Powers to adopt the necessary measures for the decolonization of the remaining Non-Self-Governing Territories, taking into account their particular characteristics. It hoped that the administering Powers would provide all necessary cooperation and would disseminate sufficient information concerning the Territories under their control. It supported the work of Special Committee, and hoped that the recommendations contained in the report would be adopted by the General Assembly. It welcomed the application of Ecuador for membership in the Special Committee, and was of the view that Ecuador would make a positive contribution to the Committee's work.

9. The Rio Group supported the work of the United Nations Information Centres and the Department of Public Information in disseminating information aimed at promoting the objectives of the Declaration on decolonization, and reiterated the need for the Governments of the Argentine Republic and of the United Kingdom to resume negotiations to find a peaceful, just and definitive solution to the sovereignty dispute relating to the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas in accordance with the relevant resolutions of the General Assembly, the Special Committee, and the Organization of American States, and with the principle of territorial integrity.

10. With regard to the small island Territories in the Caribbean and the Pacific, the international community must facilitate sustainable growth of their economies and must pay special attention to the particular problems affecting those Territories.

11. Concerning Western Sahara, the Rio Group reiterated its hope that the Saharan people would finally exercise their right to self-determination on the basis of a fair and lasting political solution that was mutually acceptable to all parties involved, in conformity with the principles and purposes of the Charter of the United Nations. In that regard, the Rio Group called on the parties to the conflict to resume as soon as possible their negotiations under the auspices of the Secretary-General and in accordance with the various Security Council resolutions and with international law. Finally, it congratulated the people of Tokelau for their participation in the referendums of 2006 and 2007, and hoped that other administering Powers would be as willing to cooperate as the Government of New Zealand had been.

12. **Mr. Malmierca Diaz** (Cuba), speaking on behalf of the Non-Aligned Movement, said that decolonization and the exercise of the legitimate right to self-determination continued to be a top priority for the Non-Aligned Movement and he called on the colonialist countries to pay full compensation for the economic, social and cultural consequences of their occupation and urged the administering Powers to cooperate fully with Special Committee. The Movement also renewed its call on Member States to speed up the process of decolonization, including by supporting effective implementation of the Plan of Action of the Second International Decade for the Eradication of Colonialism.

13. The Non-Aligned Movement reaffirmed its position on the question of Puerto Rico and called for the immediate implementation of all the resolutions and decisions — 27 in number — adopted by the Special Committee on the subject. The Movement urged the General Assembly to actively consider the question of Puerto Rico in all its aspects.

14. **Ms. Viotti** (Brazil), speaking on behalf of the Southern Common Market (MERCOSUR) member States and associated States, reiterated the support of MERCOSUR for the legitimate sovereign rights of the Argentine Republic over the Malvinas Islands. In a joint communiqué issued on 1 July 2008, the

Presidents of the MERCOSUR States and associated States had expressed the hope that a solution could be found, at the earliest possible time, to the prolonged sovereignty dispute between the Argentine Republic and the United Kingdom relating to the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas, in accordance with the resolutions of the United Nations and the declarations of the Organization of American States (OAS).

15. The question of the Malvinas Islands had been described in General Assembly resolution 2065 (XX) and numerous subsequent resolutions and by the Special Committee as a special and particular colonial question involving a dispute between the Argentine Republic and the United Kingdom concerning sovereignty and requiring a peaceful, negotiated solution. The specificity of the dispute stemmed from the fact that the United Kingdom had occupied the islands in question by force in 1833, expelling their inhabitants and replacing them with settlers of British descent. The latter could not therefore be considered a repressed or occupied people. Accordingly, the General Assembly had stressed that the dispute could not be resolved through application of the principle of self-determination.

16. The MERCOSUR member States and associated States urged the parties to respect the will of the international community, as reflected in relevant resolutions, and to resume bilateral negotiations in order to resolve their dispute.

17. **Mr. Kumalo** (South Africa), speaking on behalf of the Southern African Development Community (SADC), said that Western Sahara was the last remaining colonial territory on the African continent. Inasmuch as the General Assembly had consistently recognized the inalienable right of the Saharan people to self-determination and independence, the continued occupation of Western Sahara by Morocco constituted an unacceptable challenge to the Assembly's authority and credibility.

18. No regional or international organization had recognized Morocco's claim of sovereignty over Western Sahara. The claim had been rejected in advisory opinions issued by the International Court of Justice on 16 October 1975 and by the United Nations Office of Legal Affairs in January 2002 (S/2002/161). Moreover, General Assembly resolution 34/37 had characterized Morocco's presence in the Western Sahara as a "continued occupation".

19. He therefore welcomed the negotiations initiated between the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) and Morocco pursuant to Security Council resolution 1754 (2007) and hoped that the parties would continue negotiating without preconditions and in good faith in order to achieve a mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

20. Despite the claims that had been made by Morocco, his delegation, as a member of the Security Council at the time the resolution was adopted, could confirm that the Council had taken note both of the proposal submitted by the Frente POLISARIO and of that submitted by Morocco. Accordingly, neither party should attempt to claim that the Council preferred one over the other.

21. The Moroccan proposal on autonomy would impose a unilateral solution rather than allowing the Saharan people to hold a referendum to decide their destiny, whether independence, integration or autonomy, thereby denying the Saharan people the ability to exercise the right to self-determination.

22. His delegation was concerned at reports of human rights atrocities committed against the Saharan people and called on the Secretary-General to make public as soon as possible the most recent report and recommendations of the Office of the United Nations High Commissioner for Human Rights on the situation in Western Sahara. Those human rights violations stemmed from the non-implementation of the right to self-determination of the people of Western Sahara, as had been confirmed by the Office of the High Commissioner in the past.

23. It was odd that some Member States, including the so-called Group of Friends of Western Sahara, had continued to refuse to include any mention of human rights violations in United Nations resolutions, despite the fact that the Secretary-General had continued to report that such violations were happening. The refusal to address those issues gave the impression that the Organization did not care about the human rights of the Saharan people.

24. His delegation called on the Committee to adopt a resolution on Western Sahara that reiterated the principle of self-determination and decolonization.

25. **Mr. Liu** Zhenmin (China) noted that, in spite of numerous reiterations of the need to respect the right of people to self-determination, including, inter alia, the 2005 World Summit Outcome, there were still two million people living in Non-Self-Governing Territories. Member States were duty-bound to safeguard the rights and interests of dependent peoples and to help them exercise their inalienable right to self-determination in accordance with principles of the Charter of the United Nations. His delegation would continue to work closely with other Member States to that end.

26. **Mr. Vunibobo** (Fiji) said that the Committee must fulfil its mandate proactively and as a matter of urgency. Where there were no disputes over sovereignty, there was no alternative to self-determination, however any attempt to disrupt the national unity and territorial integrity of a country was incompatible with the Charter.

27. Regarding the Territories in the Pacific region, Fiji was aware that American Samoa had expressed satisfaction with its current relationship with the administering Power. It would respect and support the wishes of the people as they negotiated their status and future relationship. Regarding Guam, it supported the Chamorro people's request not to be removed from the list of Non-Self-Governing Territories and it called upon the administering Power to take steps to promote the sustainable development of Guam's economy, and to involve the people of Guam in that process. In respect of New Caledonia, his Government welcomed ongoing follow-up to the Nouméa Accord and the continuing monitoring role of the Forum Ministerial Committee on New Caledonia. It urged all parties to continue promoting peaceful progress towards an act of self-determination that would keep all options open and safeguard the rights of all sectors of the population. His delegation also welcomed the substantial progress made on the question of Tokelau, noting that that the national representative body of Tokelau, the General Fono, had decided to defer consideration of any future act of self-determination, and that renewed efforts were under way to strengthen essential services and infrastructure.

28. With regard to Territories in other regions, Fiji continued to support United Nations efforts to find a political solution acceptable to all parties to the dispute over Western Sahara. It also supported the call for negotiations between the parties concerned on the question of the Falkland Islands (Malvinas) in accordance with relevant General Assembly resolutions. The Committee should also take account of the islanders' views.

29. Visiting missions were an effective means of ascertaining the situation on the ground and his delegation appealed to the administering Powers to facilitate such visits. It was optimistic that, given the consideration and support of all, progress could be made eradicating colonialism.

30. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) reiterated his delegation's position that the Malvinas, South Georgia and South Sandwich Islands formed an inalienable part of the territory of Argentina, and that paragraph 6 of General Assembly resolution 1514 (XV) therefore applied. The principle of self-determination did not apply, since the populations of the islands in question had been installed by the occupying Power.

31. As regards Puerto Rico, the United States should assume its responsibility to expedite a process that would allow the Puerto Rican people to exercise fully their inalienable right to self-determination and independence. In respect of the question of Western Sahara, he reiterated his delegation's position that the Saharan people should be allowed to exercise their inalienable right to self-determination. The community of nations should protect the human rights of the Saharan people until a just and conclusive solution to the question was reached.

32. His delegation welcomed General Assembly resolution 62/120, which reiterated the need for the eradication of colonialism, and called upon the administering Powers to take all necessary steps to enable the peoples of the Non-Self-Governing Territories to exercise their right to self-determination.

33. **Mr. Butagira** (Uganda) said that, although negotiations between the Frente POLISARIO and Morocco on the question of Western Sahara had commenced in June 2007, many obstacles still remained in the way of achieving a just and mutually acceptable political solution that would provide for the self-determination of the Saharan people. He therefore

welcomed the progress that had been achieved in the most recent round of talks and, in that connection, appealed to the parties to continue to cooperate with the Personal Envoy of the Secretary-General for Western Sahara and to resume negotiations as soon as possible.

34. His delegation supported the draft resolution on Western Sahara, which would be submitted in the near future and which called on the parties to reach a negotiated settlement in accordance with relevant United Nations resolutions.

35. **Ms. Hill** (United Kingdom) said that her Government's relationship with its Overseas Territories was based on partnership, shared values and the right of each Territory to determine if it wished to retain its link to the United Kingdom, where applicable. Her Government was committed to the future development and continued security of such Territories and had no intention of imposing independence against their will. It had been established policy to give every encouragement to those Territories where independence was the clear and constitutionally expressed wish of the people concerned.

36. A constitutional review process was under way aimed at providing a modern constitutional framework to reflect the specific circumstances of each Territory. Provisions relating to good governance, human rights and the roles of the Governor and locally elected politicians had been updated and new constitutions had come into force in the Turks and Caicos Islands and Gibraltar, in 2006, and in the British Virgin Islands in 2007. Constitutional reviews were also under way in Anguilla, the Cayman Islands, the Falkland Islands, Montserrat and Saint Helena; in some cases, negotiations were of a very advanced stage.

37. Her Government's support for the Territories focused on capacity-building and sustainable development. The situation varied from one Territory to the next and some were further developed than others. The United Kingdom continued to work with the Territories, as appropriate, on political and economic transparency, security, reduction of vulnerability to natural and non-natural disasters and environmental management, inter alia. It promoted and defended Gibraltar's rights as a Territory within the European Union and would continue to help other Territories strengthen their relations with the European Commission.

Requests for hearings

38. **The Chairman** drew attention to communications containing requests for hearings: one relating to Gibraltar (A/C.4/63/2), four relating to Guam (A/C.4/63/3 and Add.1-3), one relating to the United States Virgin Islands (A/C.4/63/4), 63 relating to Western Sahara (A/C.4/63/5 and Add.1-62) and two relating to New Caledonia (A/C.4/63/6 and Add.1). He took it that the Committee wished to grant those requests.

39. *It was so decided.*

40. **Ms. Hill** (United Kingdom), speaking in exercise of the right of reply, in response to remarks made by the representatives of Mexico and Brazil on the issue of sovereignty of the Falkland Islands, said that her Government's position on the issue was well known and had been reiterated on 23 September 2008 by the Permanent Representative of the United Kingdom. The United Kingdom had no doubts about its sovereignty over the Falkland Islands. There could be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wished.

41. **Mr. Chabbar** (Morocco), speaking in exercise of the right of reply, in response to remarks made by the representative of South Africa, expressed regret at the latter's selective interpretation of recent developments with regard to the question of Western Sahara. South Africa was isolated in that respect within the Security Council. Other Council members had commended Morocco for its recent proposal, which had injected new momentum into the negotiations. Recent Security Council resolutions in that connection had been adopted by consensus, including under South Africa's presidency. South Africa was entitled to its position, but must not be allowed to obstruct the process.

42. **Mr. Desmoures** (Argentina) said that the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas were an integral part of Argentina's territory and illegitimately occupied by the United Kingdom. Several General Assembly resolutions recognized the existence of a sovereignty dispute referred to as the "question of the Malvinas Islands", urging both parties to resume negotiations towards a peaceful and lasting solution. The Committee had repeatedly adopted a similar position, including most recently in its resolution of 12 June.

43. **Mr. Laher** (South Africa), speaking in exercise of the right of reply, stressed that his remarks had been made also on behalf of the members of the Southern African Development Community (SADC), whose position was based on the region's own history and experience. The Security Council had recognized both proposals, and the current state of affairs was the result of Morocco's rejection of a proposal that the Council had deemed the optimum political solution. In 2007, all Council members had accepted the fact that the parties were willing to negotiate on the basis of both proposals.

The meeting rose at 4.50 p.m.